

CITY OF BEDFORD

Bedford, Virginia

Regular Council Meeting

A G E N D A

February 22, 2005

7:30 p.m.

Administrative

Opening of meeting by City Clerk
Selection of Presiding Officer for Meeting
Approval of Minutes
Report of City Manager
Council Comments
Report of Council Committees
Revisions to Agenda

Public Hearings

1-PW-9-5-2-22 Vacation or Abandonment of a portion of Independence Boulevard Right-of-Way

Consent Agenda

Old Business

New Business

2-PW-9-5-2-22 Vacation or Abandonment of a portion of Independence Boulevard Right-of-Way

3-PW-9-5-2-22 Vacation of Maiden Lane

4-CITY-15-1-2-22 Resolution – Older Americans' Month and Elderfest Celebration

NOTICE OF PUBLIC HEARING

NOTICE OF INTENTION TO VACATE OR ABANDON A PORTION OF INDEPENDENCE BLVD. RIGHT-OF-WAY (DETENTION POND AREA ON WEST SIDE OF INDEPENDENCE BLVD. SOUTH OF SOUTHERN STATES PROPERTY)

Please take notice that at the meeting of the City Council of the City of Bedford, Virginia, to be held in the Council Chambers in the Municipal Building at 215 East Main Street, Bedford, Virginia, on February 22, 2005, at 7:30 p.m., KOKO, Inc., a Virginia corporation (contract purchaser from Community First Bank) will apply for abandonment pursuant to Virginia Code Section 15.2-2006 et seq. of a portion of Independence Boulevard right-of-way constituting a detention pond located west of the Independence Boulevard pavement and south of the Southern States Property. The abutting property owner will be required to purchase the vacated right-of-way by paying the entire expense of relocating the detention pond on adjoining property and by conveying such property to the City at no cost.

Highway plats describing the portion of the street to be abandoned and vacated are on file in the office of the City Manager.

Anyone who is in favor of or opposed to the application will have an opportunity to express their views at this hearing.

Teresa Hatcher
Clerk of the Council
City of Bedford, Virginia

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

EM: Vacation or abandonment of a portion of Independence Blvd. right-of-way (detention pond area on the west side of Independence Blvd. south of the Southern States property)

DATE OF COUNCIL MEETING: February 22, 2005

DATE: February 15, 2005

PRESENTATION:

KOKO, Inc., a Virginia corporation that is contracting to purchase property on the west side of Independence Blvd. from Community First Bank and from Southern States, has requested the City to abandon a portion of the Independence Blvd. right-of-way constituting a detention pond located west of the Independence Blvd. pavement and south of the Southern States property.

The detention pond provides drainage from Independence Blvd. and from Taylor Brothers and the American Way development.

The existing detention pond, which was conveyed to the City by VDOT along with the rest of the right-of-way, lies just south of the Southern States property. The developer intends to build a new replacement detention pond on property to be acquired from Southern States and Community First Bank just west of the existing detention pond and then to fill in the existing detention pond as a lot for development fronting on Independence Blvd..

The new detention pond will carry the existing drainage from Independence Blvd. and the Freedom Lane area as well as drainage from the new development and from the remaining portions of the Community First Bank lot and the Southern States Bedford Cooperative, Inc. lot.

In order to abandon those portions of the right-of-way constituting the detention pond, the City Council must have a public hearing after two publications in the paper. In order to expedite the matter, the City caused notices of the public hearing to be published in the Roanoke Times on February 14 and on February 21, and in the Bedford Bulletin on February 16.

In exchange for the City's agreeing to convey the 1.204 acres to the developer, the developer will be required, at its own cost, to build the replacement detention pond, to place a covenant upon its property to maintain the detention pond in accordance with the Virginia Erosion and Sediment Control Handbook, including clearing of brush and debris twice a year, to provide the City with an easement of access through its property for the purpose of emergency repairs of the drainage system, and to post a surety bond prior to the transfer of the land by the City in order to assure that the new detention pond is constructed.

Several details of the proposed transaction still need to be worked out, including a written agreement between KOKO, Inc., and the City which address the above matters and which includes an amount of bond and a description of the specific area in which the new detention pond will be built. Accordingly the City Council is requested to receive input from the public hearing, but not to take any action until a later date.

ACTION REQUESTED:

No action at this time.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY.	() HR ()
	HUBBARD	()	()	()	CITY TREAS.	() PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV.	() POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV.	() PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC	() SEWER ()
	THARP	()	()	()	ENGINEERING	() WATER ()
	WANDREI	()	()	()	FINANCE	() OTHER: _____
					FIRE DEPT.	()

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

ITEM: Vacation of Maiden Lane

DATE OF COUNCIL MEETING: February 22, 2005

DATE: February 15, 2005

PRESENTATION:

Allen F. Persinger and Peakland Investors, L.L.C. (a limited liability company controlled by Oscar Padgett and Charles Frazier) have asked the City Council to vacate a private paper street designated "Maiden Lane" on the "Map of Bedford Court" and a 2 foot strip of land located between Maiden Lane and the lots on the east side of Shady Knoll Avenue.

The subdivision of lots entitled "Map of Bedford Court" was put to record by the Bedford Court Corporation in 1927. That plat subdivided into lots a tract of land bounded on the north by the Lynchburg-Roanoke state highway (Longwood Avenue), on the west by the lands that later were developed into the Shady Knoll subdivision, on the south by the Dean property (now part of the Bedford Center for Business), and on the east by property that is now owned by Bedford Warehouse, L.L.C.. Along the western edge of the plat adjoining the present Shady Knoll subdivision was a 2 foot strip of land reserved by the developer. To the east of this strip of land was Maiden Lane which was shown to be 30 feet in width. To the east of Maiden Lane were the numbered lots of Section C of the subdivision. A note upon the plat, which is recorded in Deed Book 153, at page 220, stated that the 2 foot wide strip and the streets in the subdivision were not dedicated to the public, but were reserved for ownership by the developer.

Allen F. Persinger owns all of the numbered lots in Section C running back from Longwood Avenue along Maiden Lane to approximately the mid point of that paper street. These lots have been combined into a parcel containing 1.497 acres which has a 60 foot frontage on Longwood Avenue. Peakland Investors, L.L.C. owns the remainder of the lots in Section C that lie adjacent to Maiden Lane and which have been combined into another parcel containing 1.497 acres. The Peakland Investors, L.L.C. lots have access on Independence Blvd.

Vacating the lines on the plat which create the 2 foot strip and Maiden Lane would result in the 2 foot strip and the 30 foot wide private street being added to the respective parties of the two applicants. No other lot owners on the plat, entitled "Map of Bedford Court", will be affected since Maiden Lane no longer provides any access for other lot owners on other parts of the plat.

Under the provisions of Code of Virginia, Section 15.2-2272, paragraph 1, a plat or a portion thereof may be vacated by an instrument in writing agreeing to vacation signed by all of the lot owners shown on the plat immediately adjoining or contiguous to the vacated area and by the governing body of the locality in which the land to be vacated lies. In cases involving street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those immediately adjoining the vacated area, the governing body is required to obtain only the signatures of lot owners adjoining the vacated area.

In order to effect the vacation requested by the applicants, the City Council, by resolution, should approve execution of an agreement of vacation which should include a new plat showing the combined lots resulting from the vacation and combination with existing properties of the two applicants. The applicants should also reimburse the City all advertising expenses and recordation costs as required by the applicable statute.

ACTION REQUESTED:

City Council is requested to adopt a resolution approving the vacation by a written agreement prepared by the City Attorney for consideration by the City Council.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY. ()	HR ()
	HUBBARD	()	()	()	CITY TREAS. ()	PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV. ()	POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV. ()	PUBLIC WKS. ()
DEFERRED TO: _____	STANLEY	()	()	()	ELECTRIC ()	SEWER ()
	THARP	()	()	()	ENGINEERING ()	WATER ()
	WANDREI	()	()	()	FINANCE ()	OTHER: _____
					FIRE DEPT. ()	

**RESOLUTION AUTHORIZING EXECUTION ON BEHALF OF THE
CITY OF AN AGREEMENT OF VACATION VACATING PORTIONS
OF THE PLAT ENTITLED "MAP OF BEDFORD COURT"
SHOWING MAIDEN LANE AND A 2 FOOT WIDE STRIP TO
THE WEST OF MAIDEN LAND**

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BEDFORD:

Section 1. The City Council finds that the vacation of those portions of the plat entitled "Map of Bedford Court" recorded in Deed Book 153, at pages 222-223, which created a private street described as Maiden Lane and a 2 foot wide strip to the west of Maiden Lane, will not impede or alter access for any lot owners on said plat other than Allen F. Persinger and Peakland Investors, L.L.C., which own all lots on the plat adjoining Maiden Lane and which have requested such vacation.

Section 2. The City Council authorizes the Mayor and the Clerk, pursuant to Virginia Code Section 15.2-2272 on behalf of the City to execute an agreement of vacation, in form approved by the City Attorney, provided the applicants prepare a new plat of survey to be attached to the agreement of vacation combining the applicable portions of Maiden Lane and the 2 foot strip to their existing lots and provided all advertising and recording costs incurred by the City are reimbursed by the applicants.

**CITY OF BEDFORD, VIRGINIA
CITY COUNCIL
ACTION FORM**

TM: Resolution – Older Americans' Month and Elderfest Celebration

DATE OF COUNCIL MEETING: February 22, 2005

DATE: February 15, 2005

PRESENTATION:

The City of Bedford recognizes the valuable role senior citizens play in our community and would like to pay tribute to them in declaring the month of May as Older Americans' Month and supporting the Elderfest celebration to be held on May 5 and 6, 2005, which is a special event to honor senior citizens.

ACTION REQUESTED:

City Council is requested to adopt a Resolution in support of Older Americans' Month and Elderfest Celebration.

		YES	NO	OTHER	ROUTING	
DATE: _____	FLOOD	()	()	()	CITY ATTY. ()	HR ()
	HUBBARD	()	()	()	CITY TREAS. ()	PKS/REC/CEM ()
APPROVED ()	MESSIER	()	()	()	COMM.DEV. ()	POLICE ()
DENIED ()	PADGETT	()	()	()	COMM.REV. ()	PUBLIC WKS. ()
DEFERRED TO:	STANLEY	()	()	()	ELECTRIC ()	SEWER ()
_____	THARP	()	()	()	ENGINEERING ()	WATER ()
	WANDREI	()	()	()	FINANCE ()	OTHER: _____
					FIRE DEPT. ()	

**RESOLUTION
IN SUPPORT OF OLDER AMERICANS' MONTH
AND ELDERFEST CELEBRATION**

WHEREAS, the City of Bedford recognizes and appreciates the vital role that our senior residents provide in our community; and

WHEREAS, communities such as Bedford desire to recognize their senior citizens by proclamation of the month of May as Older Americans' Month; and

WHEREAS, the City of Bedford plans to recognize and honor the importance of Older Americans' Month and our senior citizens with the Elderfest celebration to be held on May 5 and 6, 2005; and

WHEREAS, the Bedford City Department of Parks and Recreation will proudly host the Elderfest celebration in honor of our senior citizens and in recognition of Older Americans' Month;

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Bedford hereby resolves that the month of May 2005 be recognized as Older Americans' Month, and that the City supports the Elderfest celebration to be held to honor and celebrate our senior citizens.